

**CALENDAR ITEM
C46**

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Statewide

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PRC 5733, PRC 5871 11/21/06
WP 5733, WP 5871 RA# 031605
M. Menconi, D. Brown, A. Abeleda

**REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER
TO SOLICIT PROPOSALS FOR CONSULTANT SERVICES, NEGOTIATE FAIR AND
REASONABLE PRICE, AWARD AND EXECUTE AGREEMENT FOR PREPARATION
OF ENVIRONMENTAL DOCUMENTATION AND MITIGATION MONITORING FOR
PROPOSED RENEWAL OF LEASE FOR SAND MINING ON STATE LANDS IN THE
SAN FRANCISCO BAY NEAR CITY OF SAN FRANCISCO, SAN FRANCISCO AND
CONTRA COSTA COUNTY.**

PARTY:

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

BACKGROUND:

Cemex is a publicly traded multinational aggregates and heavy building materials company. RMC Pacific Materials is a subsidiary of Cemex and has engaged in marine sand mining in the San Francisco Bay under previous lease agreements with the California State Lands Commission as well as through a private lease. RMC Pacific Materials is currently requesting a ten-year extension and modification of its existing CSLC lease.

PROPOSED ACTIVITY:

RMC Pacific Materials is seeking to renew their two existing mineral extraction leases, PRC 5733.1 (Carquinez) and PRC 5871.1 (Alcatraz). The lease areas are located in San Francisco Bay, San Francisco and Contra Costa Counties. RMC/Pacific Materials, as part of their lease renewal, is proposing to increase the cubic yards (cy) mined at PRC 5871.1 from 100,000 to 300,000 cy, an increase of 200,000 cy. The number of cubic yards mined at PRC 5733.1 would remain at its current amount of 50,000 C.Y.

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CALENDAR PAGE

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MINUTE PAGE

CALENDAR ITEM NO. C46 (CONT'D)

The sand is mined by suction dredge using a tug and barge, transported to Redwood City for processing, and sold for commercial purposes.

Consideration of such an action will require environmental documentation, including monitoring, in accordance with the California Environmental Quality Act (CEQA). The Executive Officer requests delegation of authority to engage a consultant for this purpose. Consultant selection shall be conducted consistent with procedures as specified in CSLC Regulations and in the State Contract Manual on the basis of demonstrated competence and qualifications for the types of services to be performed and at a fair and reasonable price. All costs shall be recovered from project applicant.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

2. Approval of this item by the Commission does not constitute approval of the proposed lease; it only authorizes consultant contracts for environmental review.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. State Contracts Manual Section 11.00 (A & E method)
- C. Public Contract Code Section 6106
- D. Government Code Section 4526
- E. California Administrative Code Title 2 Article 13 Section 2980.0 - 2990.0

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL CODE REGS. 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL CODE REGS. 15378.
2. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS PROCESS DOES NOT AFFECT SMALL BUSINESSES AS DEFINED IN GOVERNMENT CODE SECTION 11342, SUB. (H), BECAUSE THEY

CALENDAR ITEM NO. **C46** (CONT'D

WILL BE ACCORDED EQUAL OPPORTUNITY TO SUBMIT
STATEMENTS OF QUALIFICATIONS AND PERFORMANCE DATA.

3. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS
PROCESS FOR PROFESSIONAL SERVICES OF ARCHITECTURAL,
LANDSCAPE ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL,
LAND SURVEYING OR CONSTRUCTION PROJECT MANAGEMENT
SERVICES WILL BE CONSISTENT WITH PROCEDURES AND
POLICIES ADOPTED BY THE COMMISSION AS SPECIFIED IN
GOVERNMENT CODE SECTION 4526 AND TITLE 2, CALIFORNIA
CODE OF REGULATIONS 2980 –2980.9.
4. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO
SOLICIT PROPOSALS, NEGOTIATE FAIR AND REASONABLE PRICE,
AWARD AND EXECUTE CONTRACTS FOR ENVIRONMENTAL
DOCUMENTATION AND MITIGATION MONITORING IN ACCORDANCE
WITH STATE POLICIES AND PROCEDURES.
5. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO
ENTER INTO AN AGREEMENT WITH PROJECT APPLICANT TO
RECOVER COSTS INCURRED IN THE CONSIDERATION OF THIS
PROJECT.